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REMARKS

Applicants are submitting this Amendment simultaneously with a Request for Continued Examination (RCE) in response to the Final Office Action dated April 23, 2004. Claims 1-12 are currently pending in the patent application. The Examiner has rejected Claims 1-12 under 35 USC 102 as anticipated by the Garner patent. For the reasons set forth below, Applicants respectfully assert that all of the pending claims, as amended, are patentable over the cited prior art.

The present invention teaches and claims a method of doing business wherein a wireline telephone company provides wireless telephone communication through a telephone network including the steps of providing a plurality of telephone signals over one or more wireline connected to one or more network nodes in wireless communication proximity to one or more telephone users; and selectively responding to requests from one or more wireless devices for telephone network attachment through a wireless communication with the network node device and providing connection to the telephone signals based on wireless device user information provided

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to the network node. The selective responding is based on user information which is either stored at the network node or provided dynamically to the network node (e.g., by a requesting user of a wireless device). The user information may relate to the identity of the user, the identity of the wireless device, the service for which the user is a subscriber, etc.

The Garner patent is directed to a system and method for a central controller or network operations controller to coordinate priority and preemption service for satellite related communications. The controller can assign frequencies so that multiple members of a group can participate in a single call that behaves like a radio multiparty line. A first mobile user at a first mobile earth terminal (MET) select a virtual network identifier (VN ID) representing a virtual network group, including at least the first MET and a second MET, and sends the VN ID to a central controller via the satellite. The central controller allocates a frequency to the virtual network group and broadcasts a message via the satellite to the virtual network group, wherein the message includes the allocated frequency. Thereafter the first and second METs

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tune to the allocated frequency (see: Col. 7, lines 25-58 and Col. 8, lines 45-59). Similarly, in the embodiment taught in Col. 10, lines 8-30, the controller transmits the frequency assignment to the mobile communication system (MCS).

Applicants respectfully assert that the Garner patent does not anticipate the invention as claimed. Applicants first note that the Garner system, as illustrated in Figs. 1 and 21, shows the METs and the MCS communicating with the satellite and then the satellite communicating with the central controller. The present invention expressly recites a method performed by network nodes in wireless communication proximity to one or more telephone users having wireless devices and selectively responding directly to requests from the wireless devices. Clearly such direct communication between the controller and the wireless users is not being taught or suggested by the Garner satellite system.

Further, the Garner controller allocates a frequency and then tells the METs or MCS what the allocated frequency is in a satellite-relayed communication. The METs must then tune to the allocated frequency. In contrast, the network

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node device of the present invention selectively responds to requests by connecting the requesting wireless devices to telephone signals. The wireless devices under the present invention do not have to tune to a new frequency in order to connect to a call.

In addition, Applicants respectfully assert that the Garner patent does not provide any teachings related to selectively responding to requests from wireless devices based on wireless device user information. The Garner controller responds to all requests by assigning an available frequency. No Garner passages have been cited which teach or suggest selective responding.

Finally, the Garner patent teaches, in the cited passage from Col. 10, lines 8-30, that the frequency is assigned by the controller based on frequency availability. The cited passage does not teach or suggest that the controller has any wireless device user information or uses any wireless device user information when allocating frequencies. While the identity of an MET is verified (see: Col. 10, lines 18-19) by the MCS, Garner does not teach or suggest that any wireless device user information is used when assigning a frequency to an MET or MCS.

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For a patent to anticipate claim language under 35 USC 102, that patent must teach each and every claim feature. Since the Garner patent does not teach a method wherein network nodes communicate directly with wireless devices, does not teach that network nodes respond to requests by connecting wireless devices to telephone signals, does not teach selectively responding to user requests, and does not teach selective responding based on wireless device user information provided to the network node, it cannot be maintained that the Garner patent anticipates the claim language.

Based on the foregoing amendments and remarks, Applicants respectfully request entry of the amendments, reconsideration of the amended claim language in light of the remarks, withdrawal of the rejections, and allowance of the claims.

Respectfully submitted,
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